

§35.56 Requirements.

(a) Prior to occupancy of a federally-owned property where its use subsequent to sale is intended for residential habitation, the Federal agency selling the property shall assure that the following steps are taken:

(1) All applicable surfaces of residential structures constructed prior to 1978 shall be inspected to determine whether defective paint surfaces exist. For this purpose all defective paint surfaces shall be assumed to be immediate hazards; and

(2) Treatment necessary to eliminate hazards of lead-based paint shall consist of covering or removal of defective paint surfaces. Covering may be accomplished by such means as adding a layer of wallboard to the wall surface. Depending on the wall condition, wallcoverings which are permanently attached may be used. Covering or replacing trim surfaces is also permitted. Paint removal may be accomplished by such methods as scraping, heat treatment (infra-red or coil type heat guns) or chemicals. Machine sanding and use of propane or gasoline torches (open-flame methods) are not permitted. Washing and repainting without thorough removal or covering does not constitute adequate treatment. In the case of defective paint spots, scraping and repainting the defective area is considered adequate treatment.

(3) Prospective purchasers are provided all notifications described in §35.5(a).

(b) The provisions of this subpart E shall be binding upon all Federal agencies as provided by section 302 of the Act; however, nothing contained in this part 35 shall preclude any Federal agency from promulgating such other procedures or additional requirements as may be necessary to implement the provisions of the Act.

[41 FR 28878, July 13, 1976, as amended at 51 FR 27789, Aug. 1, 1986; 52 FR 1891, Jan. 15, 1987; 53 FR 20799, June 6, 1988]

Subpart F—Prohibition Against the Use of Lead-Based Paint in Federal and Federally-Assisted Construction or Rehabilitation of Residential Structures

SOURCE: 42 FR 5043, Jan. 27, 1977, unless otherwise noted. Correctly designated at 42 FR 13112, Mar. 9, 1977.

§35.60 Scope.

The regulations of this subpart are promulgated to implement section 401 of the Lead-Based Paint Poisoning Prevention Act, as amended, which directs the Secretary of Housing and Urban Development to take such steps and impose such conditions as may be necessary or appropriate to prohibit the use of lead-based paint in residential structures constructed or rehabilitated by the Federal Government or with Federal assistance in any form. The regulations are applicable to all Federal agencies.

§35.61 Definitions.

The definitions contained in §35.3 shall apply to this subpart F and in addition the following definitions are applicable to this subpart F:

(a) *Federal Agency* means the United States or any executive departments, independent establishments, administrative agencies and instrumentalities of the United States, including corporations in which all or substantially all of the stock is beneficially owned by the United States or by any of the foregoing departments, establishments, agencies or instrumentalities.

(b) *Agency Head* means the principal official of a Federal Agency and includes those persons duly authorized to act in his behalf.

(c) *Lead-based paint* as defined in section 501(3) of the Act as amended by Pub. L. 94-317 (42 U.S.C. 4801 et seq), the National Consumer Information and Health Promotion Act of 1976, means: (1) Any paint containing more than five-tenths of 1 per centum lead